IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Criminal Writ Petition No. 1172 of 2004 (M/B)

1. Ram Dutt Joshi S/o Shri Prem Ballabh Joshi,
   Junior Engineer in Clifftop Hotel, Auli,
   Joshimath, District Chamoli.
2. Atul Sharma S/o Shri Brahma Dutt Sharma,
   Chief Managing Director of Clifftop Hotel, Auli,
   Joshimath, District Chamoli. …. Petitioners

Versus

State of Uttaranchal through
Secretary (Home),
Uttaranchal Shasan,
Dehradun & others. ….. Respondents.

Mr. R.P. Nautiyal, learned counsel on behalf of the petitioners.
Mr. D.K. Sharma, learned Government Advocate for the State.

Coram: Hon. V.S. Sirpurkar, C.J.
Hon. Rajesh Tandon, J.

(Per Hon'ble the Chief Justice)

1. Heard Mr. R.P. Nautiyal, learned counsel appearing on behalf of the petitioners and Mr. D.K. Sharma, Learned Government Advocate, who accepted the notice on behalf of respondents No. 1 & 2.

2. The matter is of civil nature. We are not convinced at all with the details of the First Information Report. The alleged encroachment is also of 1996-97.

3. Under the circumstances, we deem it fit to direct that no coercive method shall be taken against the petitioners and if it is still found necessary to arrest the petitioners, then, a prior notice of 15 days shall be given to them.

4. With this direction we dispose of the writ petition.

(Rajesh Tandon, J.) **(V.S.Sirpurkar, C.J.)**
30.11.2004 **30.11.2004**

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